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JUL 25 2007

OFFICE OF PETITIONS

In re Application of :
Helmut KREUZER et al :
Application No. 09/937,167 : DECISION ON PETITION
Filed: January 8, 2002 :
Attorney Docket No. 1764 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 9, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 14, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 15, 2006. A Notice of Abandonment was mailed on March 26, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional

information. See MPEP 711.03(c)(II)(C). The instant petition lacks items (1) and (3) above.

As to items (1) and (3) above, the reply and the petition containing the statement of unintentional delay are not considered to have been signed as the signature appearing on the reply and petition appear to be a "stamped" signature. The rule at 37 CFR 1.4(d)(2) requires "[a]n S-signature * * * inserted between forward slash marks * * *." The person signing the correspondence must insert his or own S-signature with a first single forward slash mark, before, and a second single forward slash mark after the S-signature. The "must insert his or her own signature" requirement is met by the signer directly typing his or her own signature using a keyboard. As the stamped signature appearing on the petition and reply is not in compliance with 37 CFR 1.4(d)(2), these papers are not considered to be properly signed. Further, the registration number must appear on the document as shown on the attached S-signatures examples.

For the above reasons, the petition under 37 CFR 1.137(b) cannot be granted at this time as compliance with 37 CFR 1.4(d)(2) has not been satisfied on either the reply or the petition.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: S-signatures Examples

I. S-SIGNATURE EXAMPLES, 37 CFR 1.4(d)(2) effective September 21, 2004

A. BY INVENTORS, AFFIANTS (e.g., §§ 1.131 & 1.132), ASSIGNEES AND PRACTITIONERS SIGNING AS INVENTORS

	<u>SIGNATURE TYPE</u>	<u>SIGNATURE</u>	<u>TREATMENT</u>	<u>PREFERRED</u>
1.	S-Signature within forward slashes, name below	<u>/John T. Smith/</u> John T. Smith	Proper Signature Treat as signed, § 1.4(d)(2).	✓
2.	S-Signature with spaces within forward slashes, name below	<u>/ John T. Smith /</u> John T. Smith	Proper Signature Treat as signed, § 1.4(d)(2).	
3.	S-Signature within forward slashes, name below but no line under the S-Signature	<u>/John T. Smith/</u> John T. Smith	Proper Signature Treat as signed, § 1.4(d)(2), as a line is not required, although it is recommended.	
4.	Script font S-Signature within slashes, name below	<u>/John T. Smith/</u> John T. Smith	Proper Signature Treat as signed, § 1.4(d)(2).	
5.	Name above, S-Signature within slashes, below	<u>John T. Smith</u> /John T. Smith/	Proper Signature Treat as signed, § 1.4(d)(2).	
6.	S-Signature within slashes, name on right side	/John T. Smith/ John T. Smith	Proper Signature Treat as signed, § 1.4(d)(2).	
7.	S-Signature within slashes, name below, both signature and name have typos	<u>/Johon T. Smith/</u> John T. Smmith	Proper signature Signer identifiable, typo should be noted in record.	
8.	S-Signature without slashes, name below	<u>John T. Smith</u> John T. Smith	Improper signature Treat as unsigned due to lack of slashes, § 1.4(d)(2)(i).	
9.	Script font S-Signature without slashes, name below	<u>John T. Smith</u> John T. Smith	Improper signature Treat as unsigned due to lack of slashes, § 1.4(d)(2)(i).	
10.	S-Signature within double slashes, name below	//John T. Smith// John T. Smith	Improper signature Treat as unsigned due to extra slashes, § 1.4(d)(2)(i).	
11.	S-Signature within slashes	/John T. Smith/	Improper signature Treat as unsigned as no name provided, § 1.4(d)(2)(iii).	
12.	Graphic symbol S-Signature within slashes, name below	<u>/☺/</u> John T. Smith	Improper signature Treat as unsigned due to use of graphic symbol, § 1.4(d)(2)(i).	
13.	Improper punctuation symbols in S-Signature within slashes, name below	<u>/Good?Great!!!/</u> John T. Smith	Improper signature Treat as unsigned due to use of ? and ! symbols, § 1.4(d)(2)(i).	

NOTE: Signatures by assignees are also required to be by: 1) an appropriate party of the assignee to sign; 2) supported by evidence that the proper assignee is submitting the document. The assignee of the entire interest, or all partial assignees, must sign any correspondence (§§ 3.71(b) & (c)).

I. S-SIGNATURES EXAMPLES (continued)

B. BY PRACTITIONERS OF RECORD OR ACTING IN A REPRESENTATIVE CAPACITY

	<u>SIGNATURE TYPE</u>	<u>SIGNATURE</u>	<u>TREATMENT</u>	<u>PREFERRED</u>
1.	S-Signature & reg no. within slashes, name below	<u>/John T. Smith, Reg.# 999999/ John T. Smith</u>	Proper Signature Treat as signed, § 1.4(d)(2).	✓
2.	S-Signature & reg no. within slashes, name below but no line under S-Signature	<u>/John T. Smith, Reg.# 999999/ John T. Smith</u>	Proper Signature Treat as signed, § 1.4(d)(2), as a line is not required, although it is recommended.	
3.	Script font S-Signature within slashes, name & reg. no. below	<u>/John T. Smith/ John T. Smith, Reg. #999999</u>	Proper Signature Treat as signed, § 1.4(d)(2).	
4.	S-Signature within slashes, name below with reg. no.	<u>/Customer Number 555555/ John T. Smith, Reg. No. 999999</u>	Proper Signature Treat as signed, § 1.4(d)(2).	
5.	S-Signature within slashes, name below with reg. no.	<u>/John T. Smith/ John T. Smith, Reg. #999999</u>	Proper Signature Treat as signed, § 1.4(d)(2).	✓
6.	S-Signature within slashes, and with reg. no. to the right, name below	<u>/John T. Smith/ Reg. #999999 John T. Smith</u>	Proper Signature Treat as signed, § 1.4(d)(2).	✓
7.	Reg. no. to left of S-Signature within slashes, name below	<u>Reg. #999999 /John T. Smith/ John T. Smith</u>	Proper Signature Treat as signed, § 1.4(d)(2).	
8.	Name above, S-Signature and reg. no. within slashes below	<u>John T. Smith /John T. Smith, Reg.# 999999/</u>	Proper Signature Treat as signed, § 1.4(d)(2).	
9.	S-Signature and reg. no. within slashes, name on right side	<u>/John T. Smith, Reg.# 999999/ John T. Smith</u>	Proper Signature Treat as signed, § 1.4(d)(2).	
10.	S-Signature and reg. no. within slashes, name below; John T. Smith signing his signature for Bill Jones (whose name appears first)	<u>Bill Jones by /John T. Smith, Reg.# 999999/ John T. Smith</u>	Proper Signature Treat as signed, § 1.4(d)(2). Acceptable because of John T. Smith's signature, for himself.	
11.	S-Signature within double slashes, name and reg. no. below	<u>//John T. Smith// John T. Smith, Reg. #999999</u>	Improper signature Treat as unsigned due to extra slashes, § 1.4(d)(2)(i).	
12.	S-Signature within back slashes, name and reg. no. below	<u>\John T. Smith\ John T. Smith, Reg. #999999</u>	Improper signature Treat as unsigned due to back slashes instead of forward slashes, § 1.4(d)(2)(i).	
13.	S-Signature without slashes, name and reg. no. below	<u>John T. Smith John T. Smith, Reg. #999999</u>	Improper signature Treat as unsigned due to lack of slashes, § 1.4(d)(2)(i).	



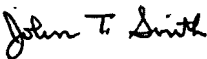
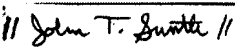
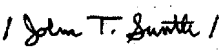
I. EXAMPLES OF S-SIGNATURES (continued)

B. BY PRACTITIONERS OF RECORD OR ACTING IN A REPRESENTATIVE CAPACITY (continued)


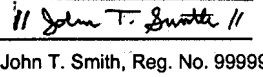
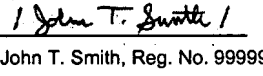
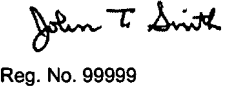
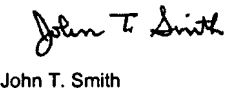
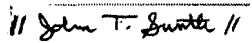
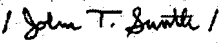
- | | | | |
|-----|--|---|--|
| 14. | Script font S-Signature without slashes, name and reg. no. below | <u>John T. Smith</u>
John T. Smith, Reg. #999999 | <u>Improper signature</u>
Treat as unsigned due to lack of slashes, § 1.4(d)(2)(i). |
| 15. | Graphic symbol S-Signature within slashes, name and reg. no. below | <u>/☺face/</u>
John T. Smith, Reg #999999 | <u>Improper signature.</u>
Treat as unsigned due to usage of graphic symbol, § 1.4(d)(2)(i). |
| 16. | Improper punctuation symbols in S-Signature within slashes, name and reg. no. below | <u>/Good?Great!!!/</u>
John T. Smith, Reg #999999 | <u>Improper signature.</u>
Treat as unsigned due to use of ? and ! symbols, § 1.4(d)(2)(i). |
| 17. | S-Signature within slashes and reg. no. to right | <u>/John T. Smith/ Reg #99999</u> | <u>Improper signature.</u>
Treat as unsigned as no name provided, § 1.4(d)(2)(iii). |
| 18. | S-Signature within slashes and name below | <u>/John T. Smith/</u>
John T. Smith | <u>Improper signature.</u>
Treat as unsigned as no registration number provided, § 1.4(d)(2)(ii). |
| 19. | S-Signature and reg. no. with only 1 slash, name below.
John T. Smith signing his signature for Bill Jones (whose name appears first) | Bill Jones
<u>by/ John T. Smith, Reg.# 999999</u>
John T. Smith | <u>Improper signature.</u>
Treat as unsigned as no slash mark is after signature, § 1.4(d)(2)(i). |
| 20. | S-Signature and reg. no. within slashes, John T. Smith signing his signature for Bill Jones (whose name appears first) | Bill Jones
<u>by /John T. Smith, Reg.# 999999/</u> | <u>Improper signature.</u>
Treat as unsigned as no signer name provided, § 1.4(d)(2)(iii). |

II. HANDWRITTEN SIGNATURE EXAMPLES, 37 CFR 1.4(d)(1)

A. BY INVENTORS, AFFIANTS, ASSIGNEES & PRACTITIONERS OF RECORD EXAMPLES

SIGNATURE TYPE	SIGNATURE	TREATMENT	PREFERRED
1. Handwritten with name below		Proper signature No change, recommended for non-practitioners to include name.	✓
2. Handwritten with name and registration number below		Proper signature No change, recommended for practitioners to include name and reg. no.	✓
3. Handwritten		Proper signature No change, name not required, § 1.4(d)(1).	
4. Handwritten within multiple slashes		Proper signature No change, name not required, slashes not required or prohibited, § 1.4(d)(1).	
5. Handwritten within slashes		Proper signature No change, name not required, slashes not required or prohibited, § 1.4(d)(1).	

B. BY PRACTITIONERS SIGNING IN A REPRESENTATIVE CAPACITY (37 CFR 1.34) (NOT OF RECORD) EXAMPLES

1. Handwritten		Proper signature See § 1.4(d)(1). Name in addition to signature is required by § 1.34, see 1283 OG 148 (June 22, 2004).	✓
2. Handwritten within multiple slashes		Proper signature Slashes not required or prohibited, § 1.4(d)(1). Name in addition to signature is required by § 1.34, see 1283 OG 148 (June 22, 2004).	
3. Handwritten within slashes		Proper signature Slashes not required or prohibited, § 1.4(d)(1). Name in addition to signature is required by § 1.34, see 1283 OG 148 (June 22, 2004).	
4. Handwritten with reg. no.		Improper signature Treat as unsigned; no name provided as required by § 1.34, see 1283 OG 148 (June 22, 2004).	
5. Handwritten with name		Improper signature Treat as unsigned; no registration number provided as required by § 1.34, see 1283 OG 148 (June 22, 2004).	
6. Handwritten with slashes		Improper signature Treat as unsigned; no name and registration number provided as required by § 1.34, see 1283 OG 148 (June 22, 2004).	
7. Handwritten with slashes		Improper signature Treat as unsigned; no name and registration number provided as required by § 1.34, see 1283 OG 148 (June 22, 2004).	